

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

MAY 19 2025

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

JOSHUA SIMON, individually and on
behalf of all others similarly situated; et al.,

Plaintiffs - Appellees,

v.

CITY AND COUNTY OF SAN
FRANCISCO and PAUL MIYAMOTO, In
his official capacity as San Francisco
Sheriff,

Defendants - Appellants.

Nos. 24-1025
24-6052

D.C. No.
4:22-cv-05541-JST
Northern District of California,
Oakland

ORDER

Before: BYBEE, BEA, and MENDOZA, Circuit Judges.

On May 15, 2025, the Clerk of Court issued the mandate in No. 24-1025 (Dkt. 69). The same day, Appellees filed a motion to recall the mandate issued in Case No. 24-1025 and asked for leave to file their petition for panel rehearing and rehearing en banc in that case (Dkt. 70). We have “inherent power to recall our mandate” *United States v. Lozoya*, 19 F.4th 1217, 1218 (9th Cir. 2021) (en banc) (quotation marks and citation omitted). The motion (Dkt. 70 in No. 24-1025) is **GRANTED IN PART**. The mandate is **RECALLED**. Appellees’ petition for rehearing and rehearing en banc in Case No. 24-1025 will be deemed filed together with the petition previously filed in Case No. 24-6052 on May 7, 2025. Appellees’

motion for leave to file the petition for panel rehearing and rehearing en banc in Case No. 24-1025 is **DENIED AS MOOT.**